



## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Greg Sellers, Mayor Pro Tempore	Greg Sellers, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Hedy Chang, Council Member	Hedy L. Chang, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

**WEDNESDAY, MARCH 17, 2004**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**6:00 P.M.**

***A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions and City Business.***

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**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**6:00 P.M.**

## ***City Council Action and Redevelopment Agency Action***

### **CLOSED SESSION:**

**1.**

#### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 4

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

## ***City Council Action***

### **OTHER BUSINESS:**

Time Estimate

Page

- |             |                   |  |
|-------------|-------------------|--|
| <b>A-1.</b> | <b>15 Minutes</b> | <b><u>APPOINTMENTS TO LIBRARY COMMISSION AND THE PARKS AND RECREATION COMMISSION</u></b> ..... <b>A-1</b><br><b><u>Recommended Action(s):</u></b><br>1. <b><u>Direct</u></b> Staff to Schedule Interviews to Fill Vacancies to the Library Commission;<br>2. <b><u>Direct</u></b> Staff to Extend the Recruitment Period for the Parks & Recreation Commission, and to Schedule Interviews to Fill Vacancies to Said Commission; and<br>3. <b><u>Interview</u></b> Marilyn Librers to Fill Vacancy on the Parks and Recreation Commission. |
|-------------|-------------------|--|

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **PROCLAMATION**

Colon Cancer Awareness Month  
*Mayor Kennedy*

### **RECOGNITION**

Live Oak High School Girls Varsity Soccer Team  
Central Coast Section (CCS) Co-Champions  
*Mayor Kennedy*

**CITY COUNCIL REPORT**  
Council Member Chang

**CITY COUNCIL SUB-COMMITTEE REPORTS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**CONSENT CALENDAR:**

**ITEMS 1-15**                      The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

1. **FEBRUARY 2004 FINANCE & INVESTMENT REPORT** ..... **1**  
**Recommended Action(s):** **Accept** and **File** Report.
2. **APPROVE AMENDMENT TO PURCHASE ORDER FOR SECURITY SYSTEM AT THE**  
**AQUATICS CENTER** ..... **27**  
**Recommended Action(s):** **Authorize** the City Manager to Approve an Amendment to Purchase Order Number 4899 for Bay Alarm Company in the Amount of \$17,000 for Additional Work on the Security System at the Aquatics Center Project.

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
3.	<b><u>AMEND CONSULTANT AGREEMENTS FOR CONSTRUCTION SERVICES AT THE AQUATICS CENTER</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Amend</u></b> Consultant Agreement for the Second Time with ELS Architects for an Additional Fee, Not to Exceed \$50,000, Subject to City Attorney Review and Approval; 2. <b><u>Amend</u></b> Consultant Agreement with Biggs Cordosa Associates for an Additional Fee, Not to Exceed \$27,000, Subject to City Attorney Review and Approval; and 3. <b><u>Amend</u></b> Consultant Agreement with Pacific Geotechnical Engineering for an Additional Fee, Not to Exceed \$2,200, Subject to City Attorney Review and Approval.	29
4.	<b><u>AQUATICS CENTER PROJECT – FEBRUARY CONSTRUCTION PROGRESS REPORT</u></b> ..... <b><u>Recommended Action(s): Information Only.</u></b>	33
5.	<b><u>FOLLOW UP REPORT ON THE JACKSON OAKS DRIVE PRELIMINARY TRAFFIC CALMING STUDY BY FEHR &amp; PEERS</u></b> ..... <b><u>Recommended Action(s): Information Only.</u></b>	41
6.	<b><u>AGREEMENT BETWEEN CITIES OF MORGAN HILL AND SAN JOSE FOR OBTAINING ORTHOPHOTO AERIAL PHOTOGRAPHS</u></b> ..... <b><u>Recommended Action(s): Authorize</u></b> the City Manager, Subject to City Attorney Review and Approval, to Execute an Agreement with the City of San Jose for Obtaining Orthophoto Aerial Photographs of the City of Morgan Hill at a Cost of \$37,568.	43
7.	<b><u>FISCAL YEAR 2004-2005 BUDGET, CAPITAL IMPROVEMENT PROGRAM (CIP), AND WORKPLAN CALENDAR</u></b> ..... <b><u>Recommended Action(s): Approve</u></b> Fiscal Year 2004-2005 Budget, CIP, and Workplan Calendar.	53
8.	<b><u>SUBDIVISION APPLICATION, SD-03-16: EAST CENTRAL-WARMINGTON (SOUTH)</u></b> ..... <b><u>Recommended Action(s): Take No Action</u></b> , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	55
9.	<b><u>SUBDIVISION APPLICATION, SD-03-04: BARRETT-DITRI</u></b> ..... <b><u>Recommended Action(s): Take No Action</u></b> , Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	83
10.	<b><u>CHANGE ORDER APPROVAL FOR ADDITIONAL WORK ON THE SIDEWALK, CURB AND GUTTER REMOVAL AND REPLACEMENT, PHASE III, 2003-2004 PROJECT</u></b> ..... <b><u>Recommended Action(s): Approve</u></b> Change Order in the Amount of \$22,500 for Additional Work on the Sidewalk, Curb & Gutter Removal and Replacement, Phase III 2003-2004 Project by Contractor Monterey Peninsula Engineering, Inc.	111
11.	<b><u>ADOPT ORDINANCE NO. 1657, NEW SERIES</u></b> ..... <b><u>Recommended Action(s): Waive</u></b> the Reading, and <b><u>Adopt</u></b> Ordinance No. 1657, New Series, and <b><u>Declare</u></b> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: <b>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ENACTING SECTION 1.18.055 (Cost of Abatement - Definition) OF CHAPTER 1.18 (Abatement of Nuisances) OF TITLE 1 (Administration) OF THE MUNICIPAL CODE OF THE CITY OF MORGAN HILL REGARDING DEFINITION OF COST OF ABATEMENT.</b>	115

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	<b>Consent Calendar: 1 - 10 Minutes</b>	
12.	<b><u>ADOPT ORDINANCE NO. 1658, NEW SERIES</u></b> .....	119
	<b><u>Recommended Action(s):</u></b> <b><u>Waive</u></b> the Reading, and <b><u>Adopt</u></b> Ordinance No. 1658, New Series, and <b><u>Declare</u></b> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: <b>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING DEVELOPMENT AGREEMENT APPLICATION DA-03-13 FOR APPLICATION MP 02-15: MISSION VIEW DRIVE-MISSION RANCH (APN 728-32-008 &amp; 009).</b>	
13.	<b><u>ADOPT ORDINANCE NO. 1659, NEW SERIES, AS AMENDED</u></b> .....	123
	<b><u>Recommended Action(s):</u></b> <b><u>Waive</u></b> the Reading, and <b><u>Adopt</u></b> Ordinance No. 1659, New Series, as Amended, and <b><u>Declare</u></b> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: <b>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A RESIDENTIAL PLANNED DEVELOPMENT AND PRECISE DEVELOPMENT PLAN FOR A 90-UNIT SINGLE-FAMILY PROJECT LOCATED AT THE NORTHEAST CORNER OF COCHRANE ROAD AND PEET ROAD (APNs 728-34-002 &amp; -003) (ZA-03-15: PEET - LUPINE).</b>	
14.	<b><u>ADOPT ORDINANCE NO. 1660, NEW SERIES</u></b> .....	131
	<b><u>Recommended Action(s):</u></b> <b><u>Waive</u></b> the Reading, and <b><u>Adopt</u></b> Ordinance No. 1660, New Series, and <b><u>Declare</u></b> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: <b>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEVELOPMENT AGREEMENT FOR APPLICATION MP-02-12: PEET – LUPINE INVESTORS/BORELLO (APNs 728-34-002 &amp; -003) (DA-03-12: PEET - LUPINE).</b>	
15.	<b><u>EXTENSION OF FIRE SERVICES CONTRACT</u></b> .....	157
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Authorize</u></b> the City Manager and City Attorney to Proceed in Developing a Final Agreement with the Santa Clara County Fire Department; and	
	2. <b><u>Direct</u></b> Staff to Develop a Fee Schedule for Fire Prevention Services that Achieves Full Cost Recovery for the Services Provided.	

## *City Council and Redevelopment Agency Action*

### **CONSENT CALENDAR:**

#### **ITEMS 16-19**

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	<b>Consent Calendar: 1 - 10 Minutes</b>	
16.	<b><u>AFFORDABLE HOUSING STRATEGY WORKPLAN</u></b> .....	205
	<b><u>Recommended Action(s):</u></b>	
	1. <b><u>Approve</u></b> the Workplan; and	
	2. <b><u>Direct</u></b> Staff to Implement Recommendations.	

	Time Estimate		Page
		<b>Consent Calendar: 1 - 10 Minutes</b>	
17.		<b><u>SAFEWAY TRAFFIC SIGNAL</u></b> .....	215
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Adopt</u></b> Morgan Hill Redevelopment Agency Resolution Authorizing the Transfer of \$25,000 to the City of Morgan Hill for the Purchase and Installation of a Traffic Signal at the Intersection of Tennant Avenue and Church Street benefiting the Tennant Station Shopping Center; and	
		2. <b><u>Adopt</u></b> City Council Resolution Accepting \$25,000 from the Redevelopment Agency for the Above Referenced Traffic Signal;	
		3. <b><u>Approve</u></b> a Reimbursement Agreement Between the City of Morgan Hill and Safeway Incorporated to Authorize the City to Reimburse Safeway Incorporated in the Amount of \$25,000 for a portion of the Total Cost of the Traffic Signal; and	
		4. <b><u>Direct</u></b> the City Manager to do Everything Necessary to Implement the Agreement.	
18.		<b><u>APPROVE JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF MARCH 3, 2004</u></b> .....	229
19.		<b><u>APPROVE JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF MARCH 3, 2004</u></b> .....	231

## City Council Action

### PUBLIC HEARINGS:

	Time Estimate		Page
20.	1 Minute	<b><u>ZA-03-19: CITY OF MORGAN HILL-ZONING TEXT AMENDMENT-COMMUNITY SIGNS AND CHANGEABLE COPY SIGNS FOR PUBLIC AGENCIES, SCHOOLS, PLAYHOUSES AND RELIGIOUS INSTITUTIONS</u></b> (Continued from 2/18/04) .....	253
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Reconvene</u></b> Public Hearing and <b><u>Table</u></b> the Application.	
21.	10 Minutes	<b><u>ZONING AMENDMENT, ZA-03-20; DEVELOPMENT AGREEMENT, DA-03-15: EAST CENTRAL-WARMINGTON (SOUTH)</u></b> .....	255
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Approve</u></b> the Mitigated Negative Declaration  Action- <b><u>Motion to Waive</u></b> the Reading in Full of Zoning Amendment Ordinance. Action- <b><u>Motion to Introduce</u></b> Zoning Amendment Ordinance by Title Only. (Roll Call Vote)  Action- <b><u>Motion to Waive</u></b> the Reading in Full of Development Agreement Ordinance. Action- <b><u>Motion to Introduce</u></b> Development Agreement Ordinance by Title Only. (Roll Call Vote)	

**PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
22.	10 Minutes	<b><u>ZONING AMENDMENT, ZA-03-08; DEVELOPMENT AGREEMENT, DA-03-04: BARRETT-DITRI</u></b> .....	291
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <b><u>Approve</u></b> the Mitigated Negative Declaration	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Zoning Amendment Ordinance.	
		Action- <b><u>Motion to Introduce</u></b> Zoning Amendment Ordinance by Title Only. (Roll Call Vote)	
		Action- <b><u>Motion to Waive</u></b> the Reading in Full of Development Agreement Ordinance.	
		Action- <b><u>Motion to Introduce</u></b> Development Agreement Ordinance by Title Only. (Roll Call Vote)	

***City Council Action***

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
23.	10 Minutes	<b><u>REVIEW OF VALLEY TRANSPORTATION AUTHORITY'S (VTA) VALLEY TRANSPORTATION PLAN (VTP) 2030 PROJECT LIST</u></b> .....	333
		<b><u>Recommended Action(s): Review</u></b> Proposed Valley Transportation Authority's VTP 2030 Program Area Lists for Impact to the City of Morgan Hill.	
24.	10 Minutes	<b><u>COUNCIL CONSIDERATION OF COMMERCIAL RECREATION OPERATORS AT THE SPORTS COMPLEX</u></b> .....	369
		<b><u>Recommended Action(s):</u></b> Provide Direction to the Parks and Recreation Commission if They Should Consider as an Option Commercial Recreation Operators at the Sports Complex.	
25.	4 Minutes	<b><u>CONTRACT AMENDMENT FOR RRM DESIGN GROUP</u></b> .....	371
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Approve</u></b> the Appropriation of \$12,000 from the Community Development Fund Balance (206) to Fund Unanticipated Costs Associated with the Consulting Service; and	
		2. <b><u>Authorize</u></b> the City Manager to Execute an Amended Consultant Services Agreement, with the Final Form as Approved by the City Attorney, for Contract Consultant Services with RRM Design Group at a Cost Not to Exceed \$62,000.	

## ***City Council and Redevelopment Agency Action***

### **OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
26.	10 Minutes	<b><u>LOAN FOR OFF-SITE IMPROVEMENTS FOR DAY WORKER CENTER</u></b> ..... <b><u>Recommended Action(s): Consider</u></b> Request from Weston Miles Architects to Modify the Terms of Their Loan.	383

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### **ADJOURNMENT**